IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

OP.No. 6898 of 1995(U)

PETITIONER:

GOWRI AMMA MEENAKSHI AMMA,
W/o. LATE SANKARA PILLAI,
FOUNDER MANAGER, M.M.H.S.UPPODE, KOLLAM.

BY ADV. SRI.T.SETHUMADHAVAN

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIATE, THIRUVANANTHAPURAM.**
2. **THE DIRECTOR OF PUBLIC INSTRUCTIONS, THIRUVANANTHAPURAM.**
3. **DEPUTY DIRECTOR OF EDUCATION, KOLLAM.**
4. **DISTRICT EDUCATIONAL OFFICER, KOLLAM.**
5. **THE MANAGER, M.M.HIGH SCHOOL, UPPODE, EAST KALLADA P.O. KOLLAM DISTRICT.**
6. **K.S.RAVEENDRAN NAYAR, "UPASANA", UPPODE, EAST KALLADA.P.O., KOLLAM DISTRICT.**
7. **T.N.ANIL KUMAR, DRAWING TEACHER, M.M HIGH SCHOOL, UPPODU, EAST KALLAD.P.O, KOLLAM DISTRICT.**

BY GOVERNMENT PLEADER SMT. SMITHA SUKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 20/07/2007, ALONG WITH O.P.No.7302/1997, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.No.12227/1995 IN O.P.No.6898/1995

DISMISSED.

20/7/2007 Sd/- THOTTATHIL B.RADHAKRISHNAN,JUDGE

APPENDIX

EXT.P1: COPY OF APPOINTMENT ORDER DATED 2.6.1986 ISSUED BY 5TH RESPONDENT TO T.M.ANILKUMAR.

EXT.P2: COPY OF PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P3: COPY OF THE PROCEEDINGS OF THE DISTRICT EDUCATIONAL OFFICER, QUILON.

EXT.P4: COPY OF ARGUMENT NOTE SUBMITTED BEFORE THE GOVT.WITH REFERENCE TO O.P.No.13462/93 BY THE PETITIONER.

EXT.P5: COPY OF THE ORDER NO.G.O.RT NO.1055/95/GE DATED 28.3.1995 ISSUED BY 1ST RESPONDENT.

EXT.P6: COPY OF THE STATEMENT FILED BY THE 1ST RESPONDENT IN O.P.No.13462/1993 BEFORE THIS HON'BLE COURT DATED 5.8.1994.

TRUE COPY

P.A.TO JUDGE

THOTTATHIL B.RADHAKRISHNAN,J

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O.P.Nos.6898 of 1995 and 7302 of 1997

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Dated this the 20th day of July, 2007

JUDGMENT

This writ petitions relate to the service of Teacher in an Aided School. It appears that there was a civil dispute as to the title to the Educational Agency. The petitioner is one among the rival claimants to the management. It is stated that as if now there is a Scheme that governs this School.

2. The petitioner who had a claim to be the manager of the school challenges the appointment of the teacher and the approval granted by the statutory authorities to such appointment. That is the subject matter of O.P.6898/1995.

3. During the pendency of aforesaid case, the teacher in question obtained orders from the Government for release of salary due to her. This action of the Government is challenged in O.P.7302/1997 by the petitioner in O.P.6898/1995.

4. Whatever be the right of a person having an interest in the management to challenge such decision, I am not inclined to entertain any such contention at this distance of time, particularly when it is the admitted situation that the teacher in question, on the basis of her approved appointment, had discharged duties and responsibilities for the last more than a decade. It would be unreasonable and unjust to upset it.

For the aforesaid reason, these writ petitions are dismissed.

THOTTATHIL B.RADHAKRISHNAN, JUDGE

dvs